

REFERENCE TITLE: agricultural improvement districts; renewable energy

State of Arizona
House of Representatives
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HB 2651

Introduced by
Representatives Sinema, Gallardo: Ableser, Campbell CH, Campbell CL,
Farley, Lopes, Lujan, Prezelski, Schapira

AN ACT

AMENDING SECTION 48-2336, ARIZONA REVISED STATUTES; RELATING TO AGRICULTURAL
IMPROVEMENT DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 48-2336, Arizona Revised Statutes, is amended to
3 read:

4 48-2336. General powers of board

5 A. The board shall, for and in the name of the district:

6 1. Acquire, in any lawful manner, lands, easements and other property,
7 real and personal, of every kind, necessary or required for the uses and
8 purposes of the district.

9 2. Construct, maintain, operate and keep in repair all works and other
10 property acquired and used for any of the purposes of or owned by the
11 district.

12 3. Accept appointment or other authorization and act as the agent of
13 or otherwise represent or act for all or any part of the owners or occupants
14 of the land within the district in any and all matters pertaining to the
15 purposes of this chapter.

16 4. Pledge all or any portion of its income, revenue and receipts, from
17 any source derived, for the additional security and payment of any of its
18 bonds and make, execute, acknowledge and perform any and all contracts,
19 agreements and obligations it deems advisable for the interest of the
20 district or to carry out or accomplish any of the purposes authorized or
21 permitted by this chapter.

22 5. For the purpose of acquiring a supply of electric power to serve
23 the customers within the district's service area, the board, for and in the
24 name of the district, may acquire, own, lease, construct, operate, equip and
25 maintain or contract for, severally or in common with others, electric
26 generating and transmission facilities without the boundaries of the state,
27 or to contract for a supply of electric power without the boundaries of the
28 state. All of the powers in this paragraph ~~5~~ are subject to the following
29 limitations:

30 (a) The district may acquire, own, lease, construct, operate, equip
31 and maintain or contract for, severally or in common with others,
32 transmission facilities without the boundaries of the state.

33 (b) The district may acquire, own, lease, construct, operate, equip
34 and maintain, severally or in common with others, electric generating
35 facilities without the boundaries of the state if such electric generating
36 facilities are constructed in accordance with contracts entered into by the
37 district prior to March 1, 1966.

38 (c) The district may acquire, own, lease or contract for, in common
39 with other electrical distributors, electric generating facilities without
40 the boundaries of the state if such facilities are constructed and operated
41 by such other electrical distributors.

42 (d) The district may acquire, own, lease, construct, operate, equip
43 and maintain or contract for, severally or in common with others, electric
44 generating facilities without the boundaries of the state, provided, however,
45 at least two years prior to the commencement of the construction thereof the

1 district shall establish reasonable standards and conditions for the
2 participation by other electrical distributors in such electric generating
3 facilities and ~~shall~~ within thirty days thereafter SHALL notify by registered
4 mail all electrical distributors which may be able to meet such standards and
5 conditions. Said standards and conditions shall include ownership
6 participation, power requirements of the district and prospective
7 participants, limitations concerning geographical proximity, electric and
8 economic feasibility, existing facilities and reserve capabilities of
9 participants. Such other electrical distributors who may be interested in
10 participating in such electric generating facilities shall be given an
11 opportunity to participate therein if they shall meet said reasonable
12 standards and conditions for participation. Said standards and conditions
13 shall not discriminate as between all participants. If, eighteen months
14 prior to commencement of construction, no electrical distributor has
15 expressed a desire to participate in such facilities in accordance with said
16 standards and conditions, the district may proceed with the construction
17 thereof severally.

18 (e) The district may contract for a supply of electric power without
19 the boundaries of the state if the district does not acquire legal title to
20 the electric generating facilities from which the electric power supply
21 contracted for is furnished.

22 (f) Any facilities acquired, purchased, leased, constructed, operated,
23 equipped or maintained by the district in accordance with ~~the provisions of~~
24 this paragraph 5- may be financed and paid for in the same manner as other
25 property acquired by the district is financed.

26 (g) For the ~~purpose~~ PURPOSES of this paragraph 5-, "electrical
27 distributors" shall mean both public and private electrical distributors
28 owning directly or through its members generation, transmission and
29 distribution facilities.

30 B. For the purpose of acquiring or assuring a supply of electric power
31 and energy to serve the district's customers, the board, for and in the name
32 of the district ~~may~~, without the boundaries of the state, MAY acquire,
33 develop, own, lease, purchase, construct, operate, equip, maintain, repair
34 and replace, and contract for, severally or in common with others, any form
35 of energy or energy resources, including but not limited to coal, oil, gas,
36 oil shale, uranium and other nuclear materials, hot water, steam and other
37 geothermal materials or minerals, solar energy, wind, water and water power,
38 and compressed air, together with land and any interest therein and all
39 works, processing and transportation facilities, equipment, mechanical and
40 chemical devices, materials and supplies used or useful for any and all of
41 such energy resources or energy forms. Any such form of energy or energy
42 resources and any works, facilities, equipment, mechanical and chemical
43 devices, materials and supplies, acquired, developed, purchased, leased,
44 constructed, operated, equipped, maintained, repaired and replaced by the

1 district pursuant to this ~~paragraph~~ SUBSECTION may be financed and paid for
2 in the same manner as other property acquired by the district is financed.

3 C. IN SUPPLYING ELECTRIC POWER AND ENERGY TO THE DISTRICT'S CUSTOMERS,
4 THE BOARD SHALL ADOPT AND COMPLY WITH THE RENEWABLE ENERGY STANDARDS,
5 INCLUDING THE ANNUAL RENEWABLE ENERGY REQUIREMENT, ADOPTED BY THE ARIZONA
6 CORPORATION COMMISSION BY RULE. THIS SUBSECTION DOES NOT SUBJECT THE
7 DISTRICT OR BOARD TO THE JURISDICTION OF THE ARIZONA CORPORATION COMMISSION,
8 BUT THE BOARD MAY ENTER COMMENTS INTO THE COMMISSION'S PROCEEDINGS FOR
9 ADOPTING OR AMENDING THE RENEWABLE ENERGY STANDARDS.